

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*)
State Engineer,)
)
Plaintiff,) No. 69cv07941-BB-ACE
)
v.) RIO CHAMA Stream System
)
ROMAN ARAGON, *et al.*,) Sections 3, 5 and 7
)
Defendants.)
_____)

**SCHEDULING ORDER FOR
FEDERAL NON-INDIAN WATER RIGHTS CLAIMS**

Following the discussions with counsel at the February 10, 2005, status and scheduling conference, pursuant to the parties' proposed schedule, and being fully advised in the premises,

IT IS ORDERED that the following schedule will guide the determination of the Federal non-Indian, non-Wild and Scenic River claims in Sections 3, 5 and 7 of the Rio Chama Stream System adjudication, and provide a working framework for completing those claims in the remaining sections.

I. Sections 3 and 5.

July 31, 2005 The State shall issue proposed Consent Orders to the United States addressing each of the federal non-Indian claims made by the United States in **Section 5** of this adjudication. The State shall also serve a copy of the proposed Consent Orders on counsel for the Gallina-Capulin Acequia Association.

Sept. 30, 2005 The United States shall file objections, if any, to the State's proposed Consent Orders for the **Section 5** claims. If any acequia within **Section 5** has an objection to any of the proposed Consent Orders, it shall file a Motion to Intervene in the

particular subfile proceeding. The motion and accompanying answer in intervention shall set forth with particularity the grounds for the objection. Any motion to intervene may be opposed by either the United States or the State, and the Acequias may participate as a party in any subsequent proceedings only if the motion is granted. If there are no objections, the proposed Consent Order shall be submitted to the Court for its approval. If there are objections, by either the United States or an Acequia which has been permitted to intervene, the Special Master will set a scheduling conference to set a schedule for briefing and/or trial of any issues raised by the objections.

Sept. 30, 2005 Deadline for completion of field inspections of the United States' claim sites in Section 3. The acequia(s) participating in the adjudication of **Section 3** will be advised of the schedule for conducting the field inspections and representatives of the acequia(s) shall be invited to participate in the inspections.

January 31, 2006 The State shall issue proposed Consent Orders to the United States addressing each of the federal non-Indian claims made by the United States in **Section 3** of this adjudication. The state shall also serve a copy of the proposed Consent Order on counsel for the Asociacion de Acequias Nortenas de Rio Arriba.

February 28, 2006 The United States shall file objections, if any, to the State's proposed Consent Order for the **Section 3** claims. If any acequia within **Section 3** has an objection to any of the proposed Consent Orders, it shall file a Motion to Intervene in the particular subfile proceeding. The motion and accompanying answer in intervention shall set forth with particularity the grounds for the objection. Any motion to intervene may be opposed by either the United States or the State, and the Acequias may participate as a party in any

subsequent proceedings only if the motion is granted. If there are no objections, the proposed Consent Order shall be submitted to the Court for its approval. If there are objections, by either the United States or an Acequia which has been permitted to intervene, the Special Master will set a scheduling conference to set a schedule for briefing and/or trial of any issues raised by the objections.

II. Section 7

March 31, 2007 The United States shall provide the state and the acequias participating in **Section 7** notice of its potential claims for Federal Non-Indian water uses in **Section 7**. Joint inspection of the claim sites shall occur during the 2007 field season.

Sept. 31, 2007 Deadline completion of field inspections of the United States' claim sites in **Section 7**.

January 31, 2008 The State shall issue proposed Consent Orders addressing each of the federal non-Indian claims made by the United States in **Section 7** of this adjudication. The state shall also serve a copy of the proposed Consent Order on counsel for the Asociacion de Acequias Nortenas de Rio Arriba.

February 28, 2008 The United States shall file objections, if any, to the State's proposed Consent Orders for the **Section 7** claims. If any acequia within **Section 7** has an objection to any of the proposed Consent Orders, it shall file a Motion to Intervene in the particular subfile proceeding. The motion and accompanying answer in intervention shall set forth with particularity the grounds for the objection. Any motion to intervene may be opposed by either the United States or the State, and the Acequias may participate as a party in any subsequent proceedings only if the motion is granted. If there are no objections, the proposed

Consent Order shall be submitted to the Court for its approval. If there are objections, by either the United States or an Acequia which has been permitted to intervene, the Special Master will set a scheduling conference to set a schedule for briefing and/or trial of any issues raised by the objections.

III. Sections 1, 2, 4, 6 and 8.

The process used for Section 7 will be repeated on a section-by-section basis in those sections beginning in 2008 and continuing until Sections 1, 2, 4, 6 and 8 are completed. The State and the United States shall submit a proposed schedule for addressing those claims no later than **March 31, 2007**.

In addition to the stockwatering claims, the United States has claims pending under the Wilderness Act and the Forest Service Organic Act. The parties shall submit a proposed schedule for addressing those claims no later than **March 31, 2008**.

Nothing in this order is intended to prejudice legal or factual claims or objections.

IT IS SO ORDERED.

/electronic signature/
SPECIAL MASTER VICKIE L. GABIN